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TECH MEMORANDUM

Utah Coal Regulatory Program

October 14, 2010

TO: File

THRU: Daron Haddock, Permit Supervisor 

FROM: James D. Smith, Environmental Scientist III – Hydrology, Team Lead  18 Oct 2010

RE: Division Order DO-04 Response, Andalex Resources, Inc., Wildcat Loadout, C/007/0033, Task ID #3618

SUMMARY:

This proposed amendment contains a conceptual plan, agreed upon by the Division and Andalex Resources, to address Division Order DO-04, formally known as "Design Drawings and Specifications", which generally relates to the problem of wind-blown fines that have left the permit area during past operations. The DO was originally written December 9, 2004.

December 9, 2004	Division Order DO-04 issued to control and minimize windblown coal fine accumulations (assigned Task ID #2031).
March 15, 2005	Division received Permittee's response to DO-04 (Task ID #2031) (assigned new Task ID #2182).
October 31, 2005	Deficiency letter for Task ID #2182.
January 3, 2006	Division received Permittee's response to Task ID #2182 deficiencies (assigned new Task ID #2410)
August 9, 2006	Division's letter to Permittee, without specific deficiencies, requesting information that provides sufficient detail to meet the objectives of DO-04.
October 12, 2006	Division granted extension (Task ID #2410)
November 06, 2006	Division granted extension (Task ID #2410)
January 08, 2007	Division granted extension (Task ID #2410)
March 07, 2007	Division granted extension (Task ID #2410)
April 09, 2007	Division granted extension (Task ID #2410)
May 21, 2007	Division received the Permittee's response to Task ID #2410, Division Order- Design Drawings and Specifications (assigned new Task ID #2808). This submittal included: 1) Response to Division Order DO-04 2) Expansion of the Primary Coal Storage Area

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	3) Preparation of a Material Storage Area.
May 31, 2007	Division returned this submittal (Task ID #2808) based on the Permittee's verbal request. The Division asked for a complete and adequate response to the original Division Order by December 21, 2007.
June 15, 2007	Division received Permittee's "expansion" application submitted in response to the requirements of DO-04 for the control of the wind-blown coal fines at the site (assigned new Task ID #2822). This submittal included: <ul style="list-style-type: none"> 1) Response to Division Order DO-04 2) Expansion of the Primary Coal Storage Area 3) Preparation of a Material Storage Area.
October 19, 2007	Permittee's letter to withdraw the response (Task ID #2822 dropped; Task ID # 2808 reactivated).
February 29, 2008	Permittee submitted response to Task ID # 2808 deficiencies: included responses to both the DO-04 and the mid-term review (assigned new Task ID # 2938).
March 19, 2008	Division returned deficient based on IR for Task ID # 2938. Division recommended separation of the DO response from the Midterm Review response.
April 30, 2008	Permittee resubmitted response to Task ID # 2938 deficiencies without the Midterm Review response (assigned new Task ID # 2966)
April 28, 2009	Division sent deficiency letter for Task ID #2966; recommended separation of the DO-04 Response from the Loadout Expansion and Material Storage amendment.
August 13, 2009	Division received Permittee's response to Task ID #2966 deficiencies without the Loadout Expansion and Material Storage amendment information (assigned new Task ID #3365).
December 10 and 12, 2009	Division sent deficiency letter for Task ID #3365.
July 15, 2010	Division received Permittee's response to Task ID #3365 deficiencies (assigned new Task ID #3593).
September 9, 2010	Conditional approval letter for Task ID # 3593; minor deficiencies to be addressed with clean copies.
September 16, 2010	Division received Permittee's response to Task ID # 3593 conditional approval letter (assigned new Task ID # 3618)

This Tech Memo (Task ID #3618) is the review of the September 16, 2010 response.

The Division identified three deficiencies relating to the permit area, hydrology, and geology under Task ID #3593 and the Permittee has addressed them satisfactorily. The Division should approve this amendment.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

In an e-mail dated 8/28/2009 the Permittee gave the following clarification:

...Plate 2 is the existing (currently approved and incorporated) old mylar hydro map. Plate 2A is the new Autocad hydro map, which is a cleaned-up version of the original (Plate 2) map, but also includes the changes that would go along with new construction associated with responding to DO-04. Assuming the DO amendment is approved, and the field changes proposed by the amendment are implemented, then the old mylar Plate 2 will be thrown away (at long last) and will be replaced with the new electronic version (Plate 2A before you now), which will then be renumbered as Plate 2. I know this is somewhat confusing, but it was done this way to ultimately avoid long-term confusion when the DO is taken care of and we finally have an as-built hydrology map on Autocad labeled Plate 2.
(M:\FILES\COAL\PERMITS\007\C0070033\2009\INCOMING\0009.pdf)

With this clean-copy submittal, the Permittee has replaced the old Plate 2 with new Plate 2A. Even though the new plate has not been renumbered as Plate 2, the required information is in the MRP and the Permittee has met the requirements of the Utah Coal Mining Rules.

Findings:

The proposed amendment meets the General Maps and Plans requirements of the Utah Coal Mining Rules.

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ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

Section R645-301-830 - Determination of Bond Amount in the MRP states "Bonded areas are shown on Plates 1 and 1B and further described in R645-301-542". The statement is now in accord with what is on the plates and the previous deficiency has been satisfactorily addressed.

Findings:

Environmental Resource Information for the Permit Area is sufficient to meet the requirements of the Coal Mining Rules.

GEOLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.22; R645-301-623, -301-724.

Analysis:

Figure VII-1, a generalized stratigraphic section, is on page p. 7-46 of the MRP. The restoration of this figure to the MRP satisfies the deficiency identified in the September 9, 2010 Conditional Approval Letter.

Findings:

Environmental Geologic Resource Information is sufficient to meet the requirements of the Coal Mining Rules.

HYDROLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 701.5, 784.14; R645-100-200, -301-724.

Analysis:

Baseline Information

Section 645-301-510 makes two references (in the 3rd paragraph under Introduction and at the end of the 3rd paragraph under Cross Sections, Maps, and Plans) to Figure VII-2 as showing the spring, surface, and receiving waters in the vicinity of the Wildcat Loadout. The copy of this location map in the MRP was outdated, which was identified as a deficiency in the September 9, 2010 Conditional Approval Letter. The Permittee has replaced the old map with an updated version.

Findings:

Environmental Hydrologic Resource Information is sufficient to meet the requirements of the Coal Mining Rules.

RECOMMENDATION:

The Division should approve this proposed amendment.